

REMARKS:

Claims 1-20 were pending prior to the foregoing amendment. To facilitate the prosecution of this patent application these claims were cancelled without prejudice or disclaimer, and new claims 21-42 have been added. The new claims have been drafted to even further clarify the claimed subject matter. No new matter has been added.

A Terminal Disclaimer was previously filed to disclaim over US Patent Application 10/740,034.

The Examiner has rejected claim 1 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of US Patent Application 10/740,034.

The foregoing amendment should render this rejection moot. For example, claim 1 does not recite the use of an application priority, and is thus is patentably distinguishable over claim 1 of US Patent Application 10/740,034 for at least this one reason alone.

It is noted that the Examiner's reference to "both computer methods comprise substantially the same elements" is not understood, as claim 1 of this application and claim 1 of US Patent Application 10/740,034 are not drafted as method claims *per se*.

Claims 1-6 and 13-17 were rejected under 35 USC 101. The Examiner has stated that the claimed invention appears to be comprised of software alone, etc.

The newly added claims 21-26 and 33-38 have been drafted in such a manner as to render this rejection moot.

Claims 1-17 were rejected under 35 USC 112, second paragraph for the reasons of record.

The newly added claims 21-42 have been drafted in such a manner as to also render this rejection moot.

The Examiner has again rejected all of the pending claims 1-17 (and also claims 18-20) under 35 U.S.C. 103(a) as being unpatentable over Hoskins, U.S. Patent No. 6,789,132, in view of Kaihlaniemi, U.S. Patent No. 6,370,591. The rejection is respectfully disagreed with, and is traversed below.

The Examiner states that Hoskins teaches a Dynamic Configurable Hardware Logic (DCHL) layer comprised of a plurality of Logic Elements (unit 110 and all of unit 202 except unit 222), interposed between a host computer (Fig 2, unit 200) and the DCHL layer, and a TiEred Multi-media Acceleration Scheduler (TEMAS) that cooperates with

the host computer for scheduling and configuring the LEs of the DCHL to execute applications (Column 2, lines 10-22; Column 19, lines 1-5; Col. 20, lines 34-37).

It is respectfully submitted that Hoskins is devoid of a teaching of dynamic configurable hardware logic. The Figure 2 of Hoskins simply shows a disc drive 100 that includes a disc drive control module 202 containing "a number of functional modules which control the operation of the disc drive 100".

In contradistinction, the exemplary embodiments of this invention do employ the use of dynamic configurable hardware logic.

In order to further clarify this aspect, each of the independent claims has been amended in a somewhat similar fashion. For example, claim 1 now recites in part:

where the TEMAS operates in response to configuration requests to configure and reconfigure at least some of the plurality of LEs such that at one time a particular LE is scheduled for operation with a first algorithm logic, and at another time the same particular LE is scheduled for operation with a second, different algorithm logic.

Support for this merely clarifying amendment can be found in the specification at least at page 6, lines 12-14, and in Figure 5 (as well as in Figure 2).

There is no similar subject matter disclosed in Hoskins, whether read alone or in combination with the commonly owned Kaihlaniemi US patent.

This being the case, then there is clearly also no similar teaching, disclosure or suggestion of a scheduler that operates with logic elements as claimed, and clearly no teaching, disclosure or suggestion of a two tiered scheduler that operates as claimed.

All of the claims that are pending are deemed to be clearly allowable over the proposed combination of Hoskins and Kaihlaniemi.

An early notification of the allowance of the now pending claims, as merely clarified by amendment above, is earnestly solicited.

Respectfully submitted:



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8/18/2008

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8/18/2008
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